

## **REMARKS**

Claims 1-8 are pending in the application. Applicants have amended claim 1 and added claims 9-20. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

### **1. Objections in the drawings**

The Examiner objected to drawings for failing to show the “opposite inner end wall” on the first and second containers as recited in claim 1. Figs. 5f and 5g are amended to show the opposite inner wall recited in claim 1 and supported by the specification. Other drawings in the application of the respective containers are not amended to show the opposite inner wall for sake of clarity in illustrating an interior configuration of the containers, as noted in an amendment to the specification. No matter is added by the drawing. Withdrawal of the objection is respectfully requested.

### **2. Indication of Allowable Subject Matter**

Applicant wishes to thank the Examiner for indication of the allowable subject matter of the application. The Examiner objected to claim 8 as being dependent upon a rejected base claim, but indicated that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **3. Rejections under 112, second paragraph**

The Examiner rejected claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner indicated that the recited “close” in claim 1

is a relative term and is unclear as to exactly what is supposed to be meant by "close".

Applicant has amended claim 1 to distinctly claim the subject matter which the Applicant regards as the invention. Withdrawal of the rejections is respectfully requested.

**4. Telephonic Interview**

Applicant and Applicant's representative, William T. Kryger (Reg. No. 53, 163) wish to thank Examiner Christopher Novosad for the telephone interview on October 21, 2004. In the interview, the Applicant's representative and Examiner Novosad discussed the claims in view of U.S. Patent No. 4,503,803 to Barnes. Applicant's representative and Examiner Novosad agreed that Barnes does not disclose the air seeder as recited in claim 1.

**5. Rejections in view of the cited prior art**

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,503,803 to Barnes. Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of U.S. Patent No. 4,432,675 to Machnee or U.S. Patent No. 5,592,889 to Bourgault. Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of U.S. Patent No. 5,913,399 to Takemoto et al.

As noted in the telephone interview with the Examiner, Barnes does not show an air seeder having a first container and a second container, a first metering mechanism located adjacent to said second metering mechanism; a trough incorporated into the bottom floor of each of the first and second containers; and an auger rotatably mounted

in each of the troughs for transporting the particulate material along the corresponding bottom floor to the corresponding metering mechanism. A review of the remaining cited references fails to discuss the recited limitations of claim 1. Therefore, the cited references do not teach each and every limitation of the claimed invention.

Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-7 are believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which, when considered in combination with those of claim 1, are not taught or suggested by the prior art relied upon in the rejection.

## 6. New Claims

New claim 9 recites a planter implement for distributing particulate material to the ground, the implement including a frame mounted on a pair of ground engaging wheels; a first container mounted on the frame, the first container having a bottom floor; a second container mounted on the frame, the second container having a bottom floor; a first metering mechanism and a second metering mechanism, the first metering mechanism located adjacent to the second metering mechanism; a first trough incorporated into the bottom floor of the first container and a second trough incorporated into the bottom floor of the second container; and a first auger rotatably mounted in the first trough of the first container, and a second auger rotatably mounted in the second trough of the second container, the first and second augers for transporting the particulate material along the bottom floors to the corresponding first and second metering mechanisms.

Claims 10-17 are believed to be in condition for allowance for incorporating by reference the limitations of claim 9 and for defining additional features of the invention, which, when considered in combination with those of claim 9, are not taught or suggested by the cited prior art.

New claim 18 recites a method of conveying particulate material for distribution in the ground, the method comprising the steps of conveying a first particulate material in a first container with a first auger along a first trough incorporated into a bottom floor of the first container and in a direction towards a first metering mechanism; conveying the second particulate material in a second container with a second auger along a second trough incorporated into a bottom floor of the second container and in a direction towards a second metering mechanism, the first metering mechanism located adjacent to the second metering mechanism; and delivering the first and second particulate material for distribution to the ground.

Claims 19-20 are believed to be in condition for allowance for incorporating by reference the limitations of claim 18 and for defining additional features of the invention, which, when considered in combination with those of claim 18, are not taught or suggested by the cited prior art.

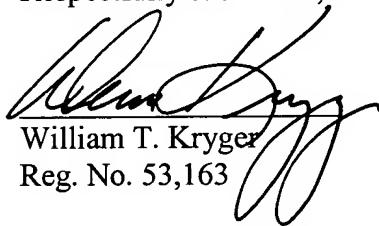
## CONCLUSION

It is submitted that claims 1-20 are in compliance with 35 U.S.C. §§ 102 and 103 and defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed due with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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**In the Drawings:**

The Examiner objected to the drawings for failing to show every feature of the claimed invention. Applicant has provided replacement drawings that include Figs. 5f and 5g to replace original Figs. 5f and 5g. Figs. 5f and 5g are amended to show the opposite inner wall recited in claim 1 and supported by the specification. Other drawings in the application of the respective containers are not amended to show the opposite inner wall for sake of clarity in viewing an interior of the containers. No matter is added by the drawing. Reconsideration and acceptance of the drawing including Figs. 5f and 5g is respectfully requested.

Attachment: Replacement drawing including Figs. 5f and 5g.